

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONERIN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

(Chief) Michael S. Owl Feather-Gorbey :

Full Name of Plaintiff :

Inmate Number :

v. :

Civil No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

B. Carney

Name of Defendant 1

☒ Demand for Jury Trial☐ No Jury Trial Demand

Winger

Name of Defendant 2

(Under Imminent Danger)  
28 USC § 1915(g)

Tanner

Name of Defendant 3

Williams

Name of Defendant 4

Spaulding

Name of Defendant 5

(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section).

FILED  
SCRANTON

OCT 08 2020

Per: AMO  
DEPUTY CLERK

## I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

☐ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)☒ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)☒ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

consolidated

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

Old Feather - Garbey Michael S.

Name (Last, First, MI)

DC Doc 317611 Fed. 33405-013

Inmate Number

USP Lewisburg.

Place of Confinement

P.O. Box 1000 Lewisburg.

Address

Lewisburg, PA. 17832.

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☒ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Carney B.

Name (Last, First)

Head chaplain

Current Job Title

USP Lewisburg 2400 Robert F. Miller Drive

Current Work Address

Lewisburg, PA. 17832.

City, County, State, Zip Code

Defendant 2:

Winger  
Name (Last, First)  
secondary chaplain  
Current Job Title  
usp lewisburg, 2400 Robert F. Miller Drive  
Current Work Address  
lewisburg, PA. 17837.  
City, County, State, Zip Code

Defendant 3:

TANNER  
Name (Last, First)  
correctional officer  
Current Job Title  
usp lewisburg 2400 Robert F. Miller DR.  
Current Work Address  
lewisburg PA. 17837  
City, County, State, Zip Code

Defendant 4:

Williams  
Name (Last, First)  
correctional officer  
Current Job Title  
usplewisburg 2400 Robert F. Miller DR.  
Current Work Address  
lewisburg, PA. 17837.  
City, County, State, Zip Code

Defendant 5:

spaulding  
Name (Last, First)  
Warden.  
Current Job Title  
usp lewisburg, 2400 Robert F. Miller DR.  
Current Work Address  
lewisburg, PA.  
City, County, State, Zip Code

List of Defendants Continued

defendant (6) Bowling

Executive Assistant - Remedy Coordinator  
usp lewisburg, 2400 Robert F. Miller Dr.  
Lewisburg, PA. 17837.

defendant (7) Borlowski

Assistant Warden  
usp lewisburg 2400 Robert F. Miller Dr.  
Lewisburg, PA. 17837

defendant (8) Brickard

Assistant Warden  
usp lewisburg, 2400 Robert F. Miller Dr.  
Lewisburg, PA. 17837.

Note.

I am NOT for immunities I deem unconstitutional  
I would also be naming Judges Mariani of the  
US Dist. Ct. Scranton & Chief Judge D. Brooks Smith  
of the US. Appeal Ct. 3rd Cir. for their misconducts  
which Embold Prison staff to violate my rights

defendant (9) The United States

U.S. Government  
U.S. DOJ 950 PA Ave. NW  
Washington, D.C. 20530

defendant (10)

Fisher X-Block #1 Officer  
2400 Robert F. Miller Dr.  
Lewisburg, PA. 17837.

### III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

USP Lewisburg X-Block Basement Cell X-012  
& Cell X-020

B. On what date did the events giving rise to your claim(s) occur?

9-1-20 & AGAIN ON 9-24-20

C. What are the facts underlying your claim(s)? (For example: What happened to you?

Who did what?) Judges mariani & smith Embold FBOP staff misconducts

ON 9-1-20 I WAS DENIED A LUNCH & medical Treatment  
then AGAIN ON 9-24-20 IN EVENTS OF THE NATIVE yearly  
Ceremonial meal. Religious services & Food service Fail or  
Refuse to send me A Ceremonial meal. & OFFICERS TANNER  
& WILLIAMS TOOK A Regular Tray FROM the general Population  
Food Cart & Drop it AT my Cell door Discriminatively &  
Disrespectfully. then Warden Spaulding & Exc. ASS. BOWLIN  
Walk through & I Explain to them the issue & they did  
nothing to ASSIST me & let this happen. & then ASS. chaplain  
WINGER Walk through & I Explain to Him my issues &  
He smartly Told me that I don't get nothing special in shu.  
Where I'm Hypoglycemic & these Denials of meals Cause  
my sugar to Drop & I Try to notify staff but they  
ignore my pleas for Help. & I got Dizzy & Fell.  
Staff just laugh AT me & Call me A dumb ASS  
& other Names. see CONTINUANCE Pages.  
I CANNOT obtain Proper-Timely Reliefs FROM the FBOP  
Administrative Remedy Process, because it is operating  
UNCONSTITUTIONALLY, AS EVIDENCED in other sister cases.

Page 4 of 6

3:20-CV-806, 3:20-CV-867 & 3:20-CV-1050

PRISON staff show misconduct & Judge mariani Experte Conspires &  
impedes my suits & then smith impedes Complaints on mariani &  
together they Embold FBOP staff to Continue,



## IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

1st & 14th Amendment Religious Rights  
 Equal Protection Traditional Foods, & Religious  
 Preservation of Ceremonial meals.  
 8th amendment medical denials & imminent  
 dangers. Physical injuries  
 1st & 14th amendment Right to lunch,  
 Equal Protection.

\* Judge mariani, Judge Smith chief Judge 3rd cir us appeal,  
 Spaulding, Rokoski, Brickard, Bawlin, B. Carney, Wixinger,  
 Tanner, Williams & Fisher Working together or in  
 sequence to violate my rights & knowingly causing  
 me harms physically through patterns of misconducts.

## V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

violation of Religious Rights, Denial of lunch 2 days &  
 Resulting in hypoglycemia Attack, Falls & injuries  
 unspecified to Head, Face & R- wrist.

## VI. RELIEF

State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

- ① \$25,000,000.00 million Cash. (Twenty Five)
- ② Reform to F.Bop Religious meal Access in Shu. For natives,
- ③ Reform to F.Bop meals Provided to inmates on  
 medical or other outside runs.
- ④ Reform of the 3rd Cir. Judicial Process For Prisoners.
- ⑤ Reform to law insc. supp. 5360.09(H) to provide weekly  
 religious services to natives in Shu.
- ⑥ Injunction to bar F.Bop from denying me meals or placing  
 me on top bunks.

## VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose. *to best of my knowledge.*

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.

*(chref) Michael S. Owl Feather-Gorby*  
Signature of Plaintiff

*9.24-20*  
Date

CONTINUANCE. I NOT ONLY OBJECT & SUE REGARDING THE FAILURE TO RELIGIOUSLY PRESERVE MY NATIVE CEREMONIAL RIGHTS & MEALS. BUT I ALSO OBJECT TO THE DENIAL OF TRADITIONAL FOODS SUCH AS FRY BREAD, INDIAN TACOS & BUFFALO MEAT.

POLICY ALLOWS US TO CREATE THE FRY BREAD & TACOS FROM ITEMS AVAILABLE ON MAIN LINE, FLOUR, BEEF & BEANS.

YET, POLICY ALSO AFFORDS RELIGIOUS SERVICES FUNDS TO PURCHASE SOME TRADITIONAL FOODS SUCH AS BUFFALO MEAT, & YET (NATIVES) ARE DENY THIS (WHITE) RELIGIOUS SERVICES PURCHASES JEWISH PASSOVER & MUSLIM RELIGIOUS MEALS. VIOLATING THE 1ST & 14TH AMENDMENTS

*(chref) Michael S. Owl Feather-Gorby*



## CONTINUANCE Pages To SUIT

- (1) ON 9-1-20 Gorby was carry to Gerstinger eye Center Danville, PA. & Held there until about 1:30 P.m. & never given lunch. & then brought back to USP Lewisburg where Gorby inform Both RD staff and His Housing unit X-Block staff that He Had not been given any lunch & that He is Hypoglycemic & low sugar from not eating makes Him sick, dizzy, Passout & causes injuries. Which also effects His Hypertension & could Cause Heart Attack or stroke. yet, staff told Gorby they don't do lunch & He was beet. Returning Him to His cell without medical attention & without lunch.

no Bp8 was Available, though Gorby did that same Evening 9-1-20 inform Counselor marr of the issue. so Gorby Filed A Bp9. on this issue. #1045196-FI see Exhibit (1) Copy of the 9-1-20 Bp9. Handed to staff that same day but not listed by Lewisburg Remedy Coordinator until (7 days later) on 9-8-20. At which time Remedy Coordinator Bowlin (Rejected) the Bp9. claiming A Bp8 was Required. & yet Refuse to Address the issue.

- (a) Evidencing that staff are allowing other staff to deny Gorby meals.
- (b) Evidencing that ~~the~~ Gorby is not being provided proper-timely access to the Bp8



### informal Remedy Process

- (c) Evidences by the Rejection that the BPS Informal Remedy Process is operating to impede Formal Filing.
- (d) Evidences by the subsequent 9-24-20 denial of lunch that such Rejections & or staff fail or Refusal to Effectively Address issues brought to them Emboldens others to Continue misconducts. Just As it does when Courts impede Prisoners Reliefs, because they then Fear No Repercussions

No Lunch Has Ever been given to supplement this Denied lunch meal on 9-1-20.

- (2) on 9-24-20 usp lewisburg Conducted its yearly Native American Ceremonial meal which Gorbey sought & Recied Pre-Approval through Religious Service to Participate in,

where. Normal Procedures For Native Participants in shu, is Food service prepares the meal for Each individual in shu & it is deliver by Religious services to Preserve the Religious Quality of the Ceremonial meal.

However. Recently. the F.Bop started issuing the Ceremonial meal to the intire general Population Reducing natives to NONE of their traditional Foods such As Fry bread Indian Taccos or Buffalo meat which itself is a Religious violation As Courts of the 6<sup>th</sup> & 8<sup>th</sup> Circuit Have Reled that Forcing natives to



Accept less than traditional ceremonial meals is forcing them to perform less than traditional ceremonies, violating their rights and: the 14th Amendment Equal Protection is violated as Jewish Pass over meals are not general population meals & none do muslim Ramadan participants have to eat with general population. yet. natives are clearly discriminated up. and.

this is exceptionally concerning where the usp lewisburg institutional supplement 5360.09 (H) to the National Religious Policy restricts natives to shu to religious service access only (two) times a year & none in the 6 months that any D-S time is issued. While, other faith groups such as Jewish & muslim receive (weekly services) in shu & while on D-S, clearly discriminating on natives.

Where, normally, natives are told not to eat a general population tray. that to do so will cause them to be denied a ceremonial tray. Which Gorbey also objects to because the yearly ceremonial meal is to be an (extra meal) & not a substitute for that days lunch, & then if it's fed to general population. What's special or religious about it? and, to evidence this is in 2017 at USP Caraan. Gorbey receive the lunch general population meal & then was (denied) this yearly ceremonial meal because



of it. & yet. Now staff want to demand He accept A general Population meal AS His yearly Ceremonial meal.

Where. on 9-24-20 about 9:00 AM Gorbey inform Ranger officer Tanner that it was native Ceremonial meal day & He should Recieve A Religious Tray For lunch. To give Tanner the heads up. yet. Tanner smartly told Gorbey He didn't care & don't work for Food or Religious services.

Where. then when lunch arrived there was No Religious Tray For Gorbey & Tanner & the #1 Williams (Refuse) To Call Religious or Food service. & Tanner brought A regular general Population Tray He snaged off the general Population Food Cart & told Gorbey He was gona accept (that tray) AS His Ceremonial meal & when Gorbey said No! Tanner drop the Tray in the Floor At Gorbey's cell door & said Natives Eat off the ground & started walking off. Where Gorbey told Him He would file on this! Tanner Responded that He did not care. (No body At Lewisburg) cares about or fears Gorbey's Filings (because) the "Courts" already said they aren't letting Gorbey's suits go Anywhere!!

- (a) Proving the Courts & Flop staff are Exparte Communicating &
- (b) Proving that Courts impeding Gorbey Reliefs is clearly Enbolding Prison staff to Act



with misconducts & itself creates an imminent danger. by Judges mariani & smiths actions.

Where, then #1. Williams came by & took the Tray out ~~the~~ Floor & Away, & did not provide Gorbey any Lunch!

Where, then about 11:00 am Warden spaulding & Exc. ASS. Behlin Walk through & Gorbey Explain the issue & spaulding said He would correct it, yet He never did!! & stated that He did not fear Gorbey's Filings in Court.

Where then about 11:30 am. Deputy chaplain Winger Walk through & Gorbey Explain to Him & yet. Winger claim a general Population Tray substitutes Gorbey's yearly Ceremonial meal. & it was too bad Gorbey didn't get one! (Try Again next year)! As B. Carney allows. & supervises these Ceremonial meals.

Where, by then Gorbey being worked up & his low sugar from no lunch meal & Hypertension together, He got dizzy & Pass out Faling Damaging His Head. R- Wrist, R- sholder, while there are no duress buttons in Lewisburg Shc, X-Block cells & when staff Tanner & Williams did make another Round they simply laugh. Joke & Cuss, Gorbey but got Him no medical Treatment or Food!

- (3) Where, then the next morning. Williams Comes back to Gorbey's cell & demands Gorbey Pack up that He & #1 Fisher were moving Gorbey



To another cell (on a top bunk) since Gorbey wants to complain about meals. & then moved Gorbey to cell X-315 on a top bunk.

X-Block bunks have no ladders, cell (tables) are about 1 1/2 - 2 feet away & the table seat is on a swivel that easily moves when step on, causing falls.

Gorbey has chronic injuries to his L-Ankle R-Knee, R-Wrist, R-Shoulder.

- (a) The L-Ankle Pops & gives out. (Dangerous climbing)
- (b) The ~~Left~~ R-Shoulder dislocates.
- (c) The R-Wrist previously operated on with bones removed won't support his weight.

Gorbey weighs 225 lbs & his medical status says he is not to lift over 25 lbs.

So accessing top bunks subjects him to falls which in cells composed of concrete & steel. Cause Gorbey injuries & threats of death. on an every day basis.

Where. one fall in 2016 is documented to have fracture Gorbey's L-Foot & torn tendons & ligaments.

Another fall in 2018 was so serious Gorbey had to have emergency surgery at FCI Cumberland md. outside hospital.

Where. another fall in 2020 (at Lewisburg) has (still today) since 6-23-20 to be effectively treated.



Where, often staff don't provide any treatment at all for Gorbey's Falls, & like for the 6-23-20 Fall, it was some (25 days later) before his foot was X-Ray & yet his Hip & Arm & never been treated or examine.

Where, often Gorbey may suffer injuries that are serious, like torn muscle, tendon or ligament that untreated "could" permanently render a limb useless, & qualifies as serious physical injury, that won't show up on any regular X-Ray, & where if medical staff never physically examine Gorbey will never be documented as requiring treatment & is an imminent danger, the threat of falls & denial of treatment when he does fall.

(i) Denial of Ceremonial meal & Religious Access.

Smith vs. City of Atl. City (3-22-2019) US Dist. lex. 47892

The Supreme Ct. Has Recognized that violations of 1st Amendment Rights are irreparable injuries  
Elrod vs. Burns 427 U.S. 347, 373 (1976)

Loss of 1st & 14th Amendment Freedoms constitute irreparable injuries.

Neb Press Ass'n vs. Stuart 423 U.S. 1327, 1329 (1975)

1st & 14th Amendment violations are irreparable.

Schlesinger vs. Carlson 489 F. Supp. 612, (1980)

Religious meals for prisoners are 1st & 14th Amendment Constitutional Rights.

B. Carey, W. Winger, Rokoski, Brickard, Spaulding & Bowlin are responsible for religious activities & meals & I have complaint to them personally about discriminations



(2) Denial of meals causing serious medical conditions & injuries while being denied medical treatment. violates the 8th amendment Estelle vs. Gamble 429 U.S. 97, 107 (1976)  
Gutierrez vs. Peters 111 F.3d. 1364, 1369 (9th Cir. 1997)

(3) Top bunk suffering falls & injuries due to inability to climb because of chronic injuries violates the 8th Amendment.

Cochran vs. Gert 11-cv-134, 2011 U.S. Dist. Lexis 81720 at \*5-6 (W.D. Wis. July 26, 2011)

Williams vs. Walker 11-cv-805, 2011 US Dist. Lexis 55925 at \*2 (E.D. Cal. May 6, 2011)

Bradley vs. Pucket, 157 F.3d. 122 (5th Cir. 1998)

Accommodations for physical disabilities.

(4) Where, this is "Exceptionally Concerning" where defendant United States is involved because Gorbey has already suffer (a list of) damages & dangers or injuries since he arrived at USP Lewisburg where US Dist. Ct. Judge Mariani & 3rd Cir. US Appeal Ct. Judge Smith have been Ex parte conspiring with Government attorneys & FBOP staff in Gorbey already pending cases. 4:20-cv-804, 3:20-cv-806, 3:20-cv-867, 3:20-cv-1050, 3:20-cv-1150, 3:20-cv-1360, 3:20-cv-1457, 3:20-cv-1227, 3:20-cv-1513

Delaying proceedings, Granting Government motions the same day their filed forcing Gorbey to suffer the dangers & damages he seeks to avoid while (Embolding) Prison staff to



Continue such misconducts & therefore rendering the United States liable see. 28 USC § 2671-2680 as Judges qualify as any Employee of the United States & would here be named personally themselves if not for their UNCONSTITUTIONAL immunities see. Abdul-Albar vs. McKelvie 239 F.3d. 307 (3rd cir. 2001) the Relevant Temporal Focal Point of Action. Gibbs vs. Cross 160 F.3d. 962. 966-67 (3rd cir. 1998)

\* see Attached Affidavit in support.  
 & Gorbey therefore demand Compensation.

### Relief Sought

- (1) \$25,000,000.00 Twenty Five million dollars cash.
- (2) Reform to lew. institutional supplement 5360.09(H) For Native Religious Access to be provided on a weekly basis no matter if their serving D-S Time or Not.
- (3) Reform to the lew. & FBcp. Ceremonial meal For Natives Process to provide Traditional meals & Religiously Preserved For those in shu.
- (4) Reform to FBcp inmate on medical Run meal Process. To provide All 3 Required meals.
- (5) Reform to the 3rd cir. US Court Judicial Process For Prisoners.
- (6) INJUNCTION To bar FBcp From denying Gorbey meals & to prevent FBcp From Assigning or Forcing Gorbey To Top bunks.

& Gorbey seek a Hearing necessary to defend.  
 (chief) Michael S. W. Feather - Gorbey  
 DC DOC 3176 H Fed. 33405-013



al Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: OW Feather - Gorbey, M.S. 33405-013 X usp Lewisburg  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

ON 9-1-20 I was Denied lunch. I was taken to the eye doctor Danville PA & brought back around 2:00 pm & immediately ASK RD staff for my lunch & they said X-Block staff either save me one or would double up on dinner yet when I got to X-Block my Range officer smartly said He don't do lunch & they did not save me one & then He Refuse To give me AN EXTRA DINNER box To Supplement. I was therefore Denied Lunch 9-1-20. I want staff sanction & I demand compensation AS being Hypoglycemic this Denial of Food Causes me threats 9-1-20  
DATE Michael S. OW Feather - Gorbey  
SIGNATURE OF REQUESTER Counselor Marr

Part B- RESPONSE

RECEIVED

SEP 08 2020

ADMIN REMEDY CLERK  
USP LEWISBURG

Rejected  
By BOWEN

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

SECOND COPY: RETURN TO INMATE

CASE NUMBER: 1045196-F1

CASE NUMBER: \_\_\_\_\_

Part C- RECEIPT

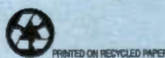
Return to: O-Gorby, M.S. 33405-013 X usp Lewisburg  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: Deny lunch 9-1-20

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

USP LVN



Handed to unit team  
Exhibit (1)

BP-229(13)  
APRIL 1982



Affidavit

Page 1 of 1

Declaration under Penalty of Perjury

9-25-2020

I OUI Feather-Gorbey declare that the Facts Here  
Are True & Correct to the best of my Knowledge.  
28 USC § 1746 & 18 USC § 1621

(Chief) Michael S. OUI Feather-Gorbey  
DC DOC 317611 Fed. 33405-013

I Gorbey declare that I have been at USP  
Lewisburg PA. Since 4-17-20 & (Not one time)  
Has Any medical staff Ever Physically Examine  
Any of my chronic injuries to determine my  
need for a lower bunk. I did personally inform  
DR. Pigos, DR. Edinger & PA Woodro to no avail.  
& my several lawsuits & multiple F.Bop Remedy  
Complaints that include this issue is Evidence  
that I have fully Redress the issue. Where the  
most I got was Pigos in about June 2020 claim  
He would check my Files but that is Not Physically  
Examining my injuries. Where. Also. since then  
I have suffer Falls & serious injuries & thought  
I have complain, Not one of the new injuries  
Have Ever been Physically Examine by Any medical  
staff. & Neither Have I Ever been Examine for  
my Hypoglocimia or for any of the injuries I  
Have suffer Physically From Hypoglocimia  
Episodes. my Sick-calls get ignored or receive  
irrelevant responses, like telling me to Exercise my  
shoulder when I complain of new (Arm) injuries.  
(Without) Examining me. (Chief) Michael S. OUI Feather-Gorbey  
DC DOC 317611 Fed. 33405-013



CONTINUANCE PAGES TO SUPPORT Page 1 of 3  
IMMINENT DANGER

These actions by defendants are clearly evidence of a (Pattern of misconducts) which pose a likelihood of serious physical injuries or death upon Gorbey.  
Martin vs. Shelton 319 F.3d. 1048, 1050 (8th Cir. 2003)

Where for Gorbey 50 years old suffering serious medical conditions Hypertension & Hypoglycemia. it has been a never ending story at USP Lewisburg! Where staff are (constantly) in a pissing contest to retaliate on Gorbey for his filings or to simply be one to prove Gorbey wrong. Even when he is right! & (causes staff) to cloud their "Professional" judgments. & while some acts they perform are deliberate. like, subjecting Gorbey to Covid-19 positive inmates or ~~abusing~~ abusing use of the discipline process to attack Gorbey unjustly & "to cover up" inmate assaults & staff's own misconducts in not keeping him safe! other acts, such as here, today, are caused by sheer discrimination & want in endangerment of not professionally "considering" what they're doing, but just doing it! (to be able to) tell "Gorbey" this! is what we're doing! & in most cases it is causing Gorbey damages or placing his & sometimes other(s) safety at risk!!

Where, here, Gorbey already suffering serious medical conditions, he suffers the mental anguish of 13 years of unjust incarceration



He is being assaulted. Kept in-shu, denied all Religious Activities, & put through a list of imminent dangers, serious & other physical injuries or subhuman conditions, & to address his issues he has to stand on his cell door & yell his issues as staff constantly run old racking fans on the range they could easily turn off but don't & constantly (tell inmates) speak up, I cannot hear you! so the already suffered serious medical conditions, coupled with the (duress of the moment) & lack of food then encourages those serious medical conditions & in the end (creates) an episode, that places Gorbey in imminent danger of serious physical injury or death!! As his sugar drops, his blood pressure goes up, he gets dizzy, often passes out & falls, it creates a threat of heart attack or stroke, not to mention the injuries suffer from falls in cells composed of concrete & steel, where, simply the denial of regular meals & drop in sugar "could" cause him to go into a coma, or to suffer other serious bodily injuries, & therefore, qualifies for the 1915(g) imminent danger exception.

Abdul Akbar vs. McKelvie 239 F.3d. 307 (3rd cir. 2001)  
The imminent danger exception applies if the danger existed at the relevant temporal focal point of action. see also.

Gibbs vs. Cross 160 F.3d. 962, 966-67 (3rd cir. 1998)

(chref) michael S. CWI Feather - Gorbey

D.C. Doc 315611 Fed. 33405-013



Where. on 9-25-20 Williams & Fisher then Retaliating for my complaining about the meals. deliberately move me from X-020 lower bunk to X-315 top bunk. Knowing & Have chronic injuries that prevent me from climbing L-Ankle, R-Knee, R-Wrist, R-shoulder & Am not to lift over 25 lbs while X-Block cell beds have no steps or ladders & the table is feet away with a swivel seat. & I fall suffering injuries that do not get treated by medical.

Cochran vs. Geit 11-cv-134, 2011 US Dist. lex. 81720 at \*5-6 (W.D. Wis. July 26, 2011)

Top bunk assignments Falls & injuries because of physical disabilities constitutes leave to proceed EFP under imminent danger Exception. 1915(g)

Williams vs. Walker 11-cv-805, 2011 US Dist. lex 55925 at \*2 (E.D. Cal. May 6, 2011)

Bradley vs. Pucket 157 F3d. 122 (5th cir. 1998)

Where. these misconducts by Prison staff are caused, Encouraged & or Embolded by Judge(s) marian & Smith's Bias & Antagonisms towards Gorbey trying to immune Prison staff & creating a Prejudicial Warden Endangerment while Gorbey remains at USP Lewisburg, PA. & requiring he be granted leave to proceed. EFP under imminent danger as explain below. As when Prison staff like Spaulding & Tanner will openly admit that they do not fear Gorbey's Filings (because) the Courts won't act on them



on them AS.

Where, more importantly is the fact that because Judges Mariani & Smith have impeded Gorbey Relief on already existing lawsuits against USP Lewisburg staff it has emboldened those prison staff to believe they are being made to be absolutely immune & can conduct themselves in any unprofessional manner they want towards Gorbey. & in fact officer Tanner & Warden Spaulding both commented on those very facts! that they do not fear Gorbey's Filings (because) the courts won't let the suit go anywhere! & therefore at that relevant temporal focal point creates an imminent danger. Where, staff have already proven they will place Gorbey in threatful situations & have already done so & have already caused Gorbey serious & other physical injuries relating to inmate assaults, unjust discipline actions, exposures to Covid-19, glaucoma, excessive lighting, injuries from top bunks, denials of medical treatments & complete violations of Religious Rights. (clearly proves) anything at USP Lewisburg is possible & with staff arguing (the court) has absolutely immune them from suit!! clearly places Gorbey in imminent danger of serious physical injury or death, again evidence by these acts here today.

As Gorbey suffering serious medical conditions from lack of food & the duress of the moment, in a cell with no duress button & staff laughing - Joking at him & not providing him medical treatment is a threat!



I Gorbey declare that on 9-24-20 AT About 3:00 P.m. I deposit this Pleading & All Attachments in the Lewisburg X-Block internal indigent inmate legal mail system to be sent 1st class US mail by placing it in a properly address Envelope on my X-020 Cell door to be process by appropriate staff. invoking my Rights to the Prisoner mail box Rule at this time. seen

"Prisoner Pleadings was Filed At the moment of delivery to Prison Authorities For Forwarding to the Court.". The letter was never taken by staff so on 9-25-20 I amended the new bunk issues to it.

D.C. Doc 317611 Fed. 33405-013

PO Box 1000

17837

such Disrespects For my Native Religion Are Appalling  
& then the Disregard For my Well being is Even A  
greater Concern. it begins with the FBoP & goes  
through to the Courts. & in the End makes both  
Equally Negligent. Responsible & liable.

21-19/13-7 ⑨ 1997.10.10

Inmate Name: Michael S. du Feather-Gorbe  
Register Number: 33405-013  
United States Penitentiary  
P.O. Box 1000  
Lewisburg, PA 17837

30 SEP 2020

(legal-special mail)

(open only in presence of  
Gorbe or the U.S. Court)

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OCT 08 2020

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clerk of Court  
U.S. District Court  
PO Box 1148  
Scranton, P.A.

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